

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

DONNIE LYNN RECTOR
Plaintiff(s)

v.

CASEY COX, et al.
Defendant(s)

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Case No. 2:15-0069
Judge Crenshaw/Frensley

REPORT AND RECOMMENDATION

The undersigned previously entered an Order on September 7, 2017 (Docket No. 11), requiring Plaintiff to file with the Court a written explanation showing cause for his failure to prosecute this action. The Order required Plaintiff to file such explanation on or before September 15, 2017, and it also stated in pertinent part, "...his failure to respond to the order may cause the undersigned to recommend that his complaint be dismissed."

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court's previous Order. The Court also notes that the previous referenced Order entered on September 7, 2017, by the undersigned was returned to the Clerk's Office as "Refused/Unable to Forward". Docket No. 12. Therefore, the undersigned recommends that this action be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to the Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this

Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

A handwritten signature in black ink, appearing to read "J. S. Frensley", written over a horizontal line.

JEFFERY S. FRENSLEY
United States Magistrate Judge